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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,866	07/31/2001	Kurt A. Dobbins	110197.160	9481
7590	03/25/2005		EXAMINER	
Hale and Dorr LLP 1455 Pennsylvania Avenue, N.W. Washington, DC 20004				JEAN, FRANTZ B
		ART UNIT		PAPER NUMBER
		2151		

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/917,866	DOBBINS ET AL.	
	<b>Examiner</b> Frantz B. Jean	<b>Art Unit</b> 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 July 2001.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/29/03</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

This office action is in response to application filed 7/31/2001. Claims 1-10 are presented for examination.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 05/29/03 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said service profile" in line 13. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Objections***

Claim 2 is objected to because of the following informalities: in claim 2, line 2, "polices" should be replaced with --policies--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Giese et al. ("Giese") US patent Number 6,728,267.

As per claim 1, Giese teaches a method of delivering an application or service to a subscriber (see abstract), said method comprising the steps of: (1) receiving a packet requesting delivery of said application or service from said subscriber at a communication device (col. 10 lines 55 et seq; col. 11 line 55 to col. 12 line 28); (2) retrieving a subscriber context referencing policies that describe applications and services available to said subscriber (col. 10 lines 55 et seq; col. 11 line 55 to col. 12 line 28); (3) comparing said application or service requested by said packet with policies referenced by said subscriber context to identify matching policies (col. 10 lines 55 et seq; col. 11 line 55 to col. 12 line 28); (4) referencing a service policy accessible for describing said application or service when requested by other subscribers to obtain a description of said matching policies and (5) delivering said requested application or service from a service provider to said subscriber via said communication device according to said description of said matching policies obtained from said service profile (col. 15 lines 15 et seq; col. 17 lines 44 et seq; col. 10 lines 55 et seq; col. 11 line 55 to col. 12 line 28).

As per claim 2, Giese teaches a method of claim 1, wherein each application or service is described by a single set of policies in said service profile, and wherein each request for said application or service is fulfilled according to said single set of policies (col. 15 lines 15 et seq; col. 17 lines 44 et seq).

As per claim 3, Giese teaches a method of delivering applications or services via a communication device in communication with a service provider and a subscriber, said method comprising the steps of: (1) receiving a packet at said communication device from said subscriber (col. 10 lines 55 et seq; col. 11 line 55 to col. 12 line 28); (2) obtaining a subscriber context that references applications or services available to said subscriber by attempting to identify said subscriber, and authenticating said subscriber when said subscriber is not identified; upon identifying or authenticating said subscriber, performing the steps of: (3) comparing said subscriber context with said packet; and (4) delivering one or more applications or services requested by said packet that are also referenced by said subscriber context from said service provider through said communication device to said subscriber (col. 15 lines 15 et seq; col. 17 line 44 to col. 18 line 15).

As per claim 4, Giese teaches a method of claim 3, wherein said step of obtaining a subscriber context further comprises comparing said packet with packet source information accessible by said communication device (col. 15 lines 15 et seq; col. 17 line 44 to col. 18 line 15).

As per claim 5, Giese teaches a method of claim 3, wherein said step of authenticating further comprises the step of dynamically retrieving said subscriber context from an off-communication device data store (col. 15 lines 15 et seq; col. 17 line 44 to col. 18 line 15).

As per claim 6, Giese teaches a method of claim 3, wherein said packet source

information comprises identifiers for identifying an interface through which said packet was received (col. 15 lines 15 et seq; col. 17 line 44 to col. 18 line 15).

As per claim 7, Giese teaches a method of claim 6, wherein said identifiers comprise at least one of: an IP address; a PPP session number; an ATM VCI or VPI; a physical interface number; or a VLAN tag (see col. 11, table 1; see fig 16-18).

As per claim 8, Giese teaches a method of claim 3, wherein said comparing comprises comparing packet fields of said packet and of said subscriber context (col. 15 lines 15 et seq; col. 17 lines 44 et seq).

As per claim 9, Giese teaches s method of claim 8, wherein said packet fields comprise at least one of: a source or destination IP address; a source or destination TCP/UDP port number; VLAN tag; or ToS/DSCP (see col 14 lines 21 et seq).

As per claim 10, Giese teaches a method of claim 3, wherein services and applications are delivered according to inbound and outbound policies, and wherein a least restrictive policy is applied see fig 12.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571 272 3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz Jean



FRANTZ B. JEAN  
PRIMARY EXAMINER